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November 24, 2004

David B. Tweedy  
Acting Commissioner  
Department of Environmental Protection  
59-17 Junction Boulevard  
Flushing, NY 11373

Dear Acting Commissioner Tweedy,

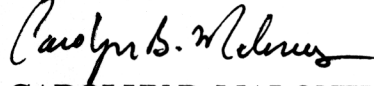
I recently wrote to the U.S. Department of Environmental Protection (EPA) to support the concerns of Citizens for a Safe East Fiftieth Street, who wrote to me about the Metropolitan Transportation Authority's (MTA) plans to construct a utility building on East 50<sup>th</sup> Street between Madison and Park Avenues in Manhattan in connection with the East Side Access project. While I strongly support East Side Access, which will be a boon to tens of thousands of commuters from Long Island and Queens, and a great benefit to local businesses, I am concerned that the MTA's design for this particular facility could pose an environmental risk to thousands of workers and pedestrians. The EPA advises me that it has no regulatory authority to govern the placement of intake and exhaust ventilation systems in buildings, and that such placement is subject to local law (see enclosed correspondence).

The MTA proposes to build a sixteen story utility building – including back-up fuel tanks and generators, ventilation discharge and intake vents, cooling towers and loading docks – in the heart of midtown Manhattan, directly across from the Palace Hotel, around the corner from St. Patrick's Cathedral and between two large commercial office buildings. The community is concerned that the three cooling towers will emit heavily polluted effluent into a canyon formed by the surrounding buildings, directly impacting the air intake systems of the adjoining buildings, as well as the sidewalks due to downdrafts. I am told that additional dust, smoke, pollutants (including PCBs) and noise from the exhaust vents, traffic and construction will add to the problem.

I am enclosing copies of the letter written by Citizens for a Safe East Fiftieth Street, my original letter to the EPA, and the EPA's response. Please review their concerns and advise me as to your conclusions, consistent with all applicable rules and regulations. I would appreciate it if you would advise me (i) of any rules governing the juxtaposition of intake and exhaust

ventilation systems in adjacent buildings and (ii) what testing the community could request to ensure that the neighborhood does not experience any conditions that could lead to adverse health consequences as a result of the construction and/or operation of this facility. Thank you for your attention to these concerns.

Very truly yours,



**CAROLYN B. MALONEY**

**Member of Congress**

CBM/mre

Please reply to:

1651 Third Avenue, Suite 311

New York, NY 10128

cc: Citizens for a Safe East Fiftieth Street  
Governor Pataki  
Mayor Bloomberg  
Metropolitan Transportation Authority Chairman Peter Kalikow  
Community Board 5  
Community Board 6  
City Council Speaker A. Gifford Miller  
Manhattan Borough President C. Virginia Fields  
State Senator Liz Krueger  
City Councilwoman Eva Moskowitz  
Turtle Bay Association  
East 79<sup>th</sup> Street Neighborhood Association  
Sutton Area Community  
Municipal Art Society  
Civitas